

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82741

This is to certify that: MARIE JEANNE GARDINER AND
MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13533	WR/DECREED	3/15/1962	1.360 cfs	272.0 af	N/A	68.0	GROUND WATER
43-13799	WR/DECREED	5/22/1963	0.290 cfs	64.1 af	16.0	396.0	GROUND WATER
43-13800	WR/DECREED	4/1/1955	0.170 cfs	33.8 af	8.4	396.0	GROUND WATER
43-13801	WR/DECREED	3/15/1962	0.130 cfs	23.0 af	6.7	396.0	GROUND WATER
43-300	WR/DECREED	4/1/1906	0.760 cfs	N/A	38.0	396.0	CASSIA CREEK
43-408	WR/DECREED	5/1/1906	1.360 cfs	N/A	N/A	68.0	CASSIA CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-301	WR/DECREED	4/1/1913	0.800 cfs	N/A	65.0	361.0	CASSIA CREEK
43-2573	WR/DECREED	5/22/1963	2.700 cfs	604.0 af	151.0	361.0	GROUND WATER
43-4232	WR/DECREED	4/1/1931	0.500 cfs	N/A	65.0	361.0	CASSIA CREEK
43-4233	WR/DECREED	4/1/1955	1.590 cfs	318.4 af	79.6	361.0	GROUND WATER
43-4240	WR/DECREED	3/1/1949	2.320 cfs	N/A	116.0	361.0	CASSIA CREEK
43-10123	WR/DECREED	3/15/1962	1.300 cfs	217.0 af	63.3	361.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13533	NO	NO	YES	NO	NO	NO
43-13799	NO	YES	YES	NO	NO	NO
43-13800	NO	YES	YES	NO	NO	NO
43-13801	NO	YES	YES	NO	NO	NO
43-300	NO	NO	YES	NO	NO	NO
43-408	NO	NO	YES	NO	NO	NO

SUPPORT DATA

Transfer No. 82741

IN FILE # 43-300

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82741**

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13533	43-13533	1.360 cfs	272.0 af	68.0	106.0	N/A	N/A	N/A	N/A	N/A
43-13799	43-13799	0.290 cfs	64.0 af	16.0	106.0	N/A	N/A	N/A	N/A	N/A
43-13800	43-13800	0.170 cfs	33.6 af	8.4	106.0	N/A	N/A	N/A	N/A	N/A
43-13801	43-13801	0.130 cfs	23.0 af	6.7	106.0	N/A	N/A	N/A	N/A	N/A
43-300	43-300	0.760 cfs	N/A	38.0	106.0	N/A	N/A	N/A	N/A	N/A
43-408	43-408	1.360 cfs	N/A	68.0	106.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.160 cfs	424.0 af	106.0	106.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of January, 2019.



Southern Region Manager

WATER RIGHT NO. 43-300

As Modified by Transfer No. 82741

In accordance with the approval of Transfer No. 82741, Water Right No. 43-300 is now described as follows:

Right Holder: MARIE JEANNE GARDINER And
MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 4/1/1906

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.760 cfs
0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK SESENW Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24					30.0	16.0											46.0

Right Acre Limit: 38.0

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

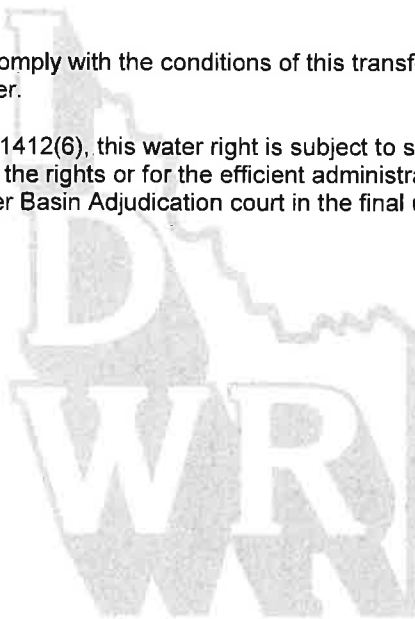
1. This right is limited to the irrigation of 38.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af, and the irrigation of 38.0 acres in a single irrigation season.
3. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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WATER RIGHT NO. 43-300
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 43-13799
As Modified by Transfer No. 82741

In accordance with the approval of Transfer No. 82741, Water Right No. 43-13799 is now described as follows:

Right Holder: MATTHEW C GARDINER And
 MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 5/22/1963

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 0.290 cfs
 0.290 cfs

Diversion Volume
 64.0 af
 64.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SWSENE
 NENWNW

Sec 23 Twp 13S Rge 26E CASSIA County
 Sec 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 16.0

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799 and 43-13800 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 97.6 af, and the irrigation of 24.4 acres in a single irrigation season.
3. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.6 af at the field headgate, and the irrigation of 31.1 acres in a single irrigation season.
4. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af, and the irrigation of 38.0 acres in a single irrigation season.

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WATER RIGHT NO. 43-13799
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13800
As Modified by Transfer No. 82741

In accordance with the approval of Transfer No. 82741, Water Right No. 43-13800 is now described as follows:

Right Holder: MATTHEW C GARDINER And
 MARIE JEANNE GARDINER
 234 S 100 W
 ST GEORGE, UT 84770-3409

Priority Date: 4/1/1955

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 0.170 cfs
 0.170 cfs

Diversion Volume
 33.6 af
 33.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SWSENE
 NENWNW

Sec 23 Twp 13S Rge 26E CASSIA County
 Sec 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24					30.0	16.0											46.0

Right Acre Limit: 8.4

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.4 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799 and 43-13800 when combined shall not exceed a total diversion rate of 0.32 cfs, a total annual maximum diversion volume of 97.6 af at the field headgate, and the irrigation of 24.4 acres.
3. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.6 af at the field headgate, and the irrigation of 31.1 acres in a single irrigation season.
4. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af at the field headgate, and the irrigation of 38.0 acres in a single irrigation season.

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WATER RIGHT NO. 43-13800
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13801
As Modified by Transfer No. 82741

In accordance with the approval of Transfer No. 82741, Water Right No. 43-13801 is now described as follows:

Right Holder: MARIE JEANNE GARDINER And
MATTHEW C GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

0.130 cfs

0.130 cfs

Diversion Volume

23.0 af

23.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWSENE

Sec 23 Twp 13S Rge 26E CASSIA County

GROUND WATER

NENWNW

Sec 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24					30.0	16.0											46.0

Right Acre Limit: 6.7

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.7 acres within the place of use described above in a single irrigation season.
2. Rights 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.45 cfs, a total annual maximum diversion volume of 120.6 af at the field headgate, and the irrigation of 31.1 acres in a single irrigation season.
3. Rights 43-300, 43-13799, 43-13800 and 43-13801 when combined shall not exceed a total diversion rate of 0.76 cfs, a total annual maximum diversion volume of 152.0 af, and the irrigation of 38.0 acres in a single irrigation season.
4. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.

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WATER RIGHT NO. 43-13801
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-408**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-408 is now described as follows:

Right Holder: MATTHEW C GARDINER And
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 5/1/1906

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.360 cfs

1.360 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK

SESENW

Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24						30.0	16.0										46.0

Right Acre Limit: 68.0

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 68.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-408 and 43-13533 when combined shall not exceed a total diversion rate of 1.40 cfs, a total annual maximum diversion volume of 272.0 af at the field headgate, and the irrigation of 68.0 acres.
3. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.

Transfer No. 82741

WATER RIGHT NO. 43-408

As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-13533**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-13533 is now described as follows:

Right Holder: MATTHEW C GARDINER And
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE, UT 84770-3409

Priority Date: 3/15/1962

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

1.360 cfs

1.360 cfs

Diversion Volume

272.0 af

272.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWSENE

Sec 23 Twp 13S Rge 26E CASSIA County

GROUND WATER

NENWNW

Sec 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23	30.0			30.0													60.0
13S	26E	24					30.0	16.0											46.0

Right Acre Limit: 68.0

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 68.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-408 and 43-13533 when combined shall not exceed a total diversion rate of 1.40 cfs, a total annual maximum diversion volume of 272.0 af at the field headgate, and the irrigation of 68.0 acres.
3. Rights 43-300, 43-408, 43-13533, 43-13799, 43-13800, and 43-13801 when combined shall not exceed a total diversion rate of 2.16 cfs, a total annual maximum diversion volume of 424.0 af at the field headgate, and the irrigation of 106.0 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

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WATER RIGHT NO. 43-13533
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 43-301**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-301 is now described as follows:

Right Holder: NOLAN K BRANCH And
LUANN S BRANCH
PO BOX 24
MALTA, ID 83342-0024

Priority Date: 4/1/1913

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.800 cfs

0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK

SESENW

Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 65.0

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 65.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-301 and 43-4232 when combined shall not exceed the irrigation of 65.0 acres in a single irrigation season.
3. Rights 43-301, 43-4232 and 43-10123 when combined shall not exceed a total diversion rate of 1.93 cfs, and the irrigation of 96.3 acres in a single irrigation season.
4. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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WATER RIGHT NO. 43-301

As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-2573**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-2573 is now described as follows:

Right Holder: NOLAN K BRANCH And
LUANN S BRANCH
PO BOX 24
MALTA, ID 83342-0024

Priority Date: 5/22/1963

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
2.700 cfs
2.700 cfs

Diversion Volume
604.0 af
604.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWSENE
SWNENE

Sec 23 Twp 13S Rge 26E CASSIA County
Sec 26 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25							32.0	21.0									53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 151.0

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 151.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-2573 and 43-4233 when combined shall not exceed a total diversion rate of 2.98 cfs.
3. Rights 43-2573, 43-4240 and 43-10123 when combined shall not exceed a total diversion rate of 6.18 cfs, and the irrigation of 307.3 acres in a single irrigation season.
4. Rights 43-2573, 43-4233 and 43-10123 when combined shall not exceed a total diversion rate of 4.25 cfs, a total annual maximum diversion volume of 1139.4 af at the field headgate, and the irrigation of 293.9 acres.

Transfer No. 82741

WATER RIGHT NO. 43-2573
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-4232**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-4232 is now described as follows:

Right Holder: NOLAN K BRANCH And
LUANN S BRANCH
PO BOX 24
MALTA, ID 83342-0024

Priority Date: 4/1/1931

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.500 cfs
0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK

SESENW

Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 65.0

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 65.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-301 and 43-4232 when combined shall not exceed the irrigation of 65.0 acres in a single irrigation season.
3. Rights 43-301, 43-4232 and 43-10123 when combined shall not exceed a total diversion rate of 1.93 cfs, and the irrigation of 96.3 acres in a single irrigation season.
4. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.

Transfer No. 82741

WATER RIGHT NO. 43-4232
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-4233**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-4233 is now described as follows:

Right Holder: NOLAN K BRANCH And
LUANN S BRANCH
PO BOX 24
MALTA, ID 83342-0024

Priority Date: 4/1/1955

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.590 cfs
1.590 cfs

Diversion Volume
318.4 af
318.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWSENE
SWNE

Sec 23 Twp 13S Rge 26E CASSIA County
Sec 26 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25							32.0	21.0									53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 79.6

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 79.6 acres within the place of use described above in a single irrigation season.
2. Rights 43-2573 and 43-4233 when combined shall not exceed a total diversion rate of 2.98 cfs.
3. Rights 43-2573, 43-4240 and 43-10123 when combined shall not exceed a total diversion rate of 6.18 cfs, and the irrigation of 307.3 acres in a single irrigation season.
4. Rights 43-2573, 43-4233 and 43-10123 when combined shall not exceed a total diversion rate of 4.25 cfs, a total annual maximum diversion volume of 1139.4 af at the field headgate, and the irrigation of 293.9 acres.

Transfer No. 82741

WATER RIGHT NO. 43-4233
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-4240**As Modified by Transfer No. 82741**

In accordance with the approval of Transfer No. 82741, Water Right No. 43-4240 is now described as follows:

Right Holder: NOLAN K BRANCH And
LUANN S BRANCH
PO BOX 24
MALTA, ID 83342-0024

Priority Date: 3/1/1949

Source: CASSIA CREEK

Tributary: RAFT RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

to 11/15

To**Diversion Rate**

2.320 cfs

2.320 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK

SESENW

Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25						32.0	21.0										53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 116.0

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 116.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-2573, 43-4240 and 43-10123 when combined shall not exceed a total diversion rate of 6.18 cfs, and the irrigation of 307.3 acres in a single irrigation season.
3. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 82741

WATER RIGHT NO. 43-4240
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-10123
As Modified by Transfer No. 82741

In accordance with the approval of Transfer No. 82741, Water Right No. 43-10123 is now described as follows:

Right Holder: NOLAN K BRANCH And
 LUANN S BRANCH
 PO BOX 24
 MALTA, ID 83342-0024

Priority Date: 3/15/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1,300 cfs 1,300 cfs	217.0 af 217.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSENE	Sec 23 Twp 13S Rge 26E CASSIA County
GROUND WATER	SWNE	Sec 26 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	23													40.0	38.0	35.0	37.0	150.0
13S	26E	24									31.0	28.0	32.0			31.0			122.0
13S	26E	25							32.0	21.0									53.0
13S	26E	26	22.0	2.3		11.7													36.0

Right Acre Limit: 63.3

POU Total Acres: 361.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 63.3 acres within the place of use described above in a single irrigation season.
2. Rights 43-301, 43-4232 and 43-10123 when combined shall not exceed a total diversion rate of 1.93 cfs, and the irrigation of 96.3 acres in a single irrigation season.
3. Rights 43-2573, 43-4240 and 43-10123 when combined shall not exceed a total diversion rate of 6.18 cfs, and the irrigation of 307.3 acres in a single irrigation season.
4. Rights 43-2573, 43-4233 and 43-10123 when combined shall not exceed a total diversion rate of 4.25 cfs, a total annual maximum diversion volume of 1139.4 af at the field headgate, and the irrigation of 293.9 acres.

Transfer No. 82741

WATER RIGHT NO. 43-10123
As Modified by Transfer No. 82741

CONDITIONS OF APPROVAL

5. Rights 43-301, 43-2573, 43-4232, 43-4233, 43-4240, and 43-10123 when combined shall not exceed a total diversion rate of 7.16 cfs, a total annual maximum diversion volume of 1432.0 af at the field headgate, and the irrigation of 358.0 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources
Attachment to Transfer # 82741
43-300 and 43-408

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82741
43-13533, 43-13799, 43-13800, and 43-13801

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 12, 2019

MATTHEW C GARDINER
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE UT 84770-3409

Re: Transfer No: 82741

Water Right No(s): 43-300, 43-301, 43-408, 43-2573, 43-4232, 43-4233, 43-4240,
43-10123, 43-13533, 43-13799, 43-13800, 43-13801

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

NOLAN K BRANCH
LUANN S BRANCH
PO BOX 24
MALTA ID 83342-0024

NATHAN ERICKSON
WATER DISTRICT 143
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

ROGER MUSSER
WATER DISTRICT 43C
917 PARK LN
POCATELLO ID 83201

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82741

Water Right No(s): 43-300, 43-301, 43-408, 43-2573, 43-4232, 43-4233, 43-4240,
43-10123, 43-13533, 43-13799, 43-13800, 43-13801

MATTHEW C GARDINER
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE UT 84770-3409

NOLAN K BRANCH
LUANN S BRANCH
PO BOX 24
MALTA ID 83342-0024

NATHAN ERICKSON *via e-mail*
WATER DISTRICT 143
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

ROGER MUSSER
WATER DISTRICT 43C
917 PARK LN
POCATELLO ID 83201

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive style and is positioned above a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer # 82741 File

FROM: Corey Skinner

DATE: January 11, 2019

SUBJECT: Adjustment to Conditions on Associated Rights

During review of Transfer # 82741 it was discovered that the conditions on the associated rights were not updated during the processing of a previous ownership change (see 9/24/2018 memo in water right files). The ownership change involved rights and property, including splits, owned by Gardiner (Transfer # 82741 applicant) and Branch (owner of the associated rights in Transfer # 82741). As part of the Transfer # 82741 approval, the conditions on the associated rights were updated to reflect the removal of the Gardiner portions from the Branch portions of the associated rights that should have been reflected in the previous ownership change.

MEMORANDUM

Date: November 26, 2018
To: Transfer 82741 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) for two surface water and four ground water irrigation rights and also proposes to change a point of diversion (POD) for three of the ground water rights. Currently the six rights irrigate 106.0 acres on two farms with a flow rate of 2.16 cfs. As a result of the transfer, 106.0 acres will be irrigated within a pivot located approximately 1.5-2.0 miles south and 0-0.5 mile west of Malta. The transfer will also change one of the PODs for three groundwater rights from a point located approximately 2.7 miles south and 0.4 mile west to an existing well located approximately 1.5 miles south and 0.1 mile west of Malta.

Because the water rights are located within the Raft River Critical Ground Water Management Area, and a point of diversion is being changed, the application was advertised. No protests were received.

The transfer is located within Water Districts 43C and 143, so watermaster comments were solicited. The watermasters did not object to the transfer.

- **Authority to File:**
The Department's database indicates that the water rights involved are owned by the applicants, Matthew and Marie Gardiner and the application was signed by both.
- **Water Right Validity:**
The water rights involved have all been decreed in the SRBA. Aerial imagery appears to indicate that forfeiture may not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. The irrigated acreage will not increase.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 76380

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 8 day of Nov in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

PUBLISHED ON: 11/01/2018, 11/08/2018

TOTAL AD COST: 160.32

FILED ON: 11/8/2018



✓ The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17682
DALE JENSEN
SANDRA JENSEN
3214 N 3450 E
KIMBERLY, ID 83341-5336
Point of Diversion SESE S30 T08S R14E TWIN FALLS County
Source UNNAMED STREAM Tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/9/2018
Place Of Use: DOMESTIC
T08S R14E S30 SESE
Application for permit proposes to divert up to 0.04 cfs from an unnamed stream for domestic uses. The property and point of diversion are located approximately 6.6 miles north and 4.5 miles west of Buhl.

✓ NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82741

MATTHEW C GARDINER and MARIE JEANNE GARDINER, 234 S 100 W, ST GEORGE, UT 84770-3409; has filed Application No. 82741 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13533, 43-13799, 43-13800, 43-13801, 43-300, 43-408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) for two surface water and four ground water irrigation rights and also proposes to change a point of diversion (POD) for three of the ground water rights. Currently the six rights irrigate 106.0 acres on two farms with a flow rate of 2.16 cfs. As a result of the transfer, 106.0 acres will be irrigated within a pivot located approximately 1.5 to 2.0 miles south and 0 to 0.5 mile west of Malta. The transfer will also change one of the PODs for three groundwater rights from a point located approximately 2.7 miles south and 0.4 mile west to an existing well located approximately 1.5 miles south and 0.1 mile west of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **November 19, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 1st & 8th, 2018

✓ OK DM 11-21-2018

RECEIVED

NOV 13 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 82741
Water Right No: 43-300, etc.
Applicant Name: Matthew & Marie Jeanne Gardiner

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: November 6, 2018

Water District 143



Nathan Erickson, Watermaster